IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No. 7664
Brad K. Winking et al.	Examiner: Martin A. Gottschalk
Application No.: 10/091,606	Technology Center/Art Unit: 3696
Filed: March 4, 2002	APPELLANTS' BRIEF UNDER
For: METHOD AND SYSTEM FOR PROCESSING CREDIT CARD PAYMENTS	37 CFR §41.37

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

      Further to the Notice of Appeal mailed on February 2, 2010 for the above-referenced application, Appellants submit this Brief on Appeal.

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1. REAL PARTY IN INTEREST

The real party in interest is First Data Corporation.

2. RELATED APPEALS AND INTERFERENCES

No other appeals or interferences are known which will directly affect, are directly affected by, or have a bearing on the Board decision in this appeal.

3. STATUS OF CLAIMS

Claims 1-63 were originally filed in the application on March 4, 2002, and claims 1-14 and 33-45 were elected in response to the Restriction Requirement mailed March 14, 2007. Claims 15-32 and 46-63 were canceled without prejudice. Claims 1 and 33 were amended October 17, 2007. Claims 1, 3, 33, and 35 were amended January 13, 2009. Claims 1 and 33 were further amended August 27, 2009.

All of the pending claims 1-14 and 33-45 stand rejected and are the subject of this appeal.

Claims 15-32, and 46-63 have been canceled.

No claims have been withdrawn.

No claims stand allowed.

4. STATUS OF AMENDMENTS

No amendments have been filed subsequent to the final rejection of December 8, 2009.

5. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention relates to the way that a payment processing entity processes payments received from account holders and posts them to credit card or other financial accounts.

Traditionally, credit card account holders have received monthly statements and made payments monthly to the issuers of the credit cards, often by check or online funds transfer.

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Once received at the credit card issuer, the payments were processed in a "batch" mode and posted to the corresponding accounts. Even for payments received by electronic transfer, the batch processing resulted in a delay, such that the credit availability and amount owed on an account did not reflect the payment received until a later time. This latency between the time that payments are received and the time the corresponding accounts are updated results in a number of disadvantages for account holders. (Specification p. 2 l. 27 – p. 3 l. 19).

The present application describes methods and systems that improve the handling of received payments by or on behalf of credit card companies or other financial services companies.

A "client" such as a credit card company first receives payments from account holders, and does a first level of processing on the payments. Each payment is formatted into a "payment transaction", and the payment transactions are submitted to a processing entity for further processing. This further processing may include such steps as posting the payment to the account holder's account, and settling the transaction between the various financial entities involved. The transactions may be submitted to the processing entity electronically, or in one of two tape formats. Depending on the submission format, the processing entity invokes a batch process or a "right-time" or "real-time" process for each transaction. (Specification p. 4 l. 27 – p. 5 l. 21, p. 2 ll. 4 – 31). For transactions processed using the right-time or real-time process, an account holder's available credit is adjusted in "real time." (p. 3 ll. 30-32). The real-time or right-time process is invoked as soon as is practicable after the processing entity receives the payment transaction, so the delay between the time the account holder makes payment and the time when the account holder's account is updated is minimized. (p. 6 ll. 19-21).

The application contains two independent claims, claims 1 and 33.

Claim 1

Independent claim 1 recites a system for processing account payments. (Abstract, p. 3 l. 22, p. 4 ll. 27-28, p. 10 ll. 13-18). The system includes control logic configured to receive one or more payment transactions from a client, each payment transaction being received in one of at least two submission formats. (p. 10 ll. 13-18, p. 4 ll. 28-29, p. 5 ll. 13-17). The system also includes control logic configured to determine, for each of the payment transactions, based

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at least in part on the submission format of the respective transaction, whether the payment transaction is to be processed on a batch basis or on a real-time basis. (p. 10 ll. 13-18, p. 5 ll. 20-21, Fig. 2). The system further includes control logic configured to invoke a real-time process to process payment transactions that are determined to be processed on a real-time basis, the real-time process being invoked upon submission of the payment transactions that are determined to be processed on the real-time basis. (p. 10 ll. 13-18, p. 6 ll. 16-21). The system also includes control logic configured to invoke a batch process to process payment transactions that are determined to be processed on a batch basis, the batch process being invoked at a designated time in a processing cycle without regard to timing of submission of the payment transactions that are determined to be processed on the batch basis. (p. 10 ll. 13-18, p. 5 ll. 22-25). For each payment transaction processed by the real-time process, available credit relative to a corresponding account is adjusted in real-time based on information included in such payment transaction. (p. 3 ll. 30-32). A payment transaction represents either a payment to be credited against a corresponding account or a reversal to be performed against the corresponding account to retract a previously made payment. (p. 5 ll. 2-6). For a payment transaction that is a payment to be credited against a corresponding account, the available credit to the corresponding account is increased by at least a portion of the amount of the payment received. (p. 7 ll. 23-30).

Claim 33

Independent claim 33 recites a method for processing account payments. (Abstract, p. 3 l. 22, p. 4 ll. 27-28, Fig. 2). The method comprises receiving a plurality of payment transactions from a client, each payment transaction being received in one of at least two submission formats. (p. 4 ll. 28-29, p. 5 ll. 13-17, Fig. 2). The method also includes determining, for each of the plurality of payment transactions, based at least in part on the submission format of the respective payment transaction, whether the payment transaction is to be processed on a batch basis or on a real-time basis. (Fig. 2, p. 5 ll. 20-21). The method further includes, upon submission of payment transactions that are determined to be processed on a real-time basis, invoking a real-time process to process such payment transactions. (Fig. 2, p. 6 ll. 16-21). The method also includes invoking a batch process at a designated time in a processing cycle to process payment transactions that are determined to be processed on a batch basis. (Fig.

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2, p. 5 ll. 22-25). For each payment transaction processed by the real-time process, available credit relative to a corresponding account is adjusted in real-time based on information included in such payment transaction. (p. 3 ll. 30-32). A payment transaction represents either a payment to be credited against a corresponding account or a reversal to be performed against the corresponding account to retract a previously made payment. (p. 5 ll. 2-6). For a payment transaction that is a payment to be credited against a corresponding account, the available credit to the corresponding account is increased by at least a portion of the amount of the payment received. (p. 7 ll. 23-30).

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether the claims 1-4, 13, 14, 33-36, 44, and 45 are unpatentable over the cited portions of Ahuja et al., U.S. Patent Pub. 2001/0056402 ("Ahuja") in view of the cited portions of Walker et al., U.S. Patent 5,884,274 ("Walker"), and further in view of the cited portions of Muehlberger et al., U.S. Patent 5,285,382 ("Muehlberger").

B. Whether the claims 5-7 and 37-39 are unpatentable over the cited portions of Ahuja in view of the cited portions of Walker as applied to claim 3 above, and further in view of the cited portions of Couch, U.S. Patent 4,650,977 ("Couch").

C. Whether claims 8-10, 12, and 40-42 are unpatentable over the cited portions of Ahuja in view of the cited portions of Walker as applied to claim 1 above, and further in view of the cited portions of Alvin, U.S. Patent 7,139,731 ("Alvin").

D. Whether claims 11 and 43 are unpatentable over the cited portions of Ahuja in view of the cited portions of Walker as applied to claim 1 above, and further in view of the cited portions of Campbell et al., U.S. Patent 4,774,664 ("Campbell").

7. ARGUMENT

A. <u>Whether the claims 1-4, 13, 14, 33-36, 44, and 45 are unpatentable over the cited portions of Ahuja in view of the cited portions of Walker, and further in view of the cited portions of Muehlberger.</u>

I. Claims 1-4, 13, and 14

Claim 1 is not obvious in view of the combination of Ahuja, Walker, and Muehlberger for at least the reason that the references, even when combined, do not teach or suggest all of the limitations of claim 1.

The Office Action relies heavily on Ahuja in the rejections of Applicants' claims, but Ahuja does not support the rejections. Ahuja relates generally to a "wireless financial server terminal" that can be installed in temporary or remote locations and allows consumers to perform certain financial transactions, similar to some operations that can be performed using a traditional hard-wired automatic teller machine (ATM). For example, a consumer can query his or her account balance, transfer funds, or withdraw funds from an account to be added to a smart card. (Ahuja paragraphs [0051], [0066]). Ahuja's system also enables a consumer to "pay bills" by receiving "bill paying requests" from the consumer and causing funds to be transferred to payees. (Ahuja paragraphs [0090]-[0093]). However, Ahuja's system is not a payee, and has no control over what any payee does once the payee receives funds. For example, if the payee were a credit card issuer and a consumer used Ahuja's system to make a payment on his or her credit card account, Ahuja provides no information about how or when the payment would be posted to the consumer's credit card account. Ahuja does indicate that the payment may be made in real time, and that the account <u>from</u> which payment is made may be debited "substantially in real time", but this says nothing about what the payee may do with the payment transaction it receives, or how quickly. (Ahuja paragraph [0090]).

As is apparent from the above summaries, Ahuja's system is far different than Applicants' claimed invention, and performs an entirely different function. These differences are amply reflected in the claims.

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Claim 1 recites

1. *A system for processing account payments, comprising:*
    control logic configured to ***receive one or more payment transactions*** *from a client, each payment transaction being received* ***in one of at least two submission formats;***
    control logic configured to determine, for each of the payment transactions, based on the submission format of the respective transaction, whether the payment transaction is to be processed on a batch basis or on a real-time basis;
    control logic configured to invoke a real-time process to process payment transactions that are determined to be processed on a real-time basis, the real-time process being invoked upon submission of the payment transactions that are determined to be processed on the real-time basis; and
    control logic configured to invoke a batch process to process payment transactions that are determined to be processed on a batch basis, the batch process being invoked at a designated time in a processing cycle without regard to timing of submission of the payment transactions that are determined to be processed on the batch basis;
    wherein ***for each payment transaction processed by the real-time process, available credit relative to a corresponding account is adjusted in real-time based on information included in such payment transaction;***
    and wherein a payment transaction represents either a payment to be credited against a corresponding account or a reversal to be performed against the corresponding account to retract a previously made payment;
    and wherein ***for a payment transaction that is a payment to be credited against a corresponding account, the available credit to the corresponding account is increased by at least a portion of the amount of the payment received.***

In support of the rejection, the Office Action cites paragraph [0090] of Ahuja as disclosing *control logic configured to* ***receive one or more payment transactions***. (Office Action p. 3). Actually, Ahuja's paragraph [0090] describes "receiving bill paying requests" from consumers. Ahuja's "bill paying request" is a request made by a consumer to transfer money <u>to</u> a payee. In other words, a consumer may use Ahuja's system to instigate <u>sending</u> a payment transaction, but Ahuja's system is in no way involved in <u>receiving</u> a payment transaction. The function of Ahuja's system is to simply forward funds to the creditor. Ahuja has no control over

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and does not describe what the creditor does with the funds, or how quickly. Since the delays and inconvenience alleviated by Applicants' invention are related to prior methods of processing and posting of payments received by the creditor, Ahuja's system cannot provide the benefits of Applicants' invention.

As is explained in Applicants' specification, a *payment transaction* is usually a transaction in which a credit customer sends funds to the credit issuer in order to pay down the balance owed to the issuer. (Specification paragraphs [0008], [0018]). A reversal of a previously paid amount is also called a *payment transaction,* as is described in paragraph [0016]. Claim 1 further specifies that *for each payment transaction processed by the real-time process,* **available credit relative to a corresponding account is adjusted** *in real-time based on information included in such payment transaction,* and that *for a payment transaction that is a payment to be credited against a corresponding account,* **the available credit to the corresponding account is increased** *by at least a portion of the amount of the payment received.* These claim elements serve to further clarify that a *payment transaction* involves the <u>receipt</u> of payment by a creditor, and that claim 1 recites a system used by a <u>recipient</u> of funds in a payment transaction, and recites one effect of the payment transaction -- that the outstanding credit balance is adjusted.

In support of the rejection, the Office Action cites Ahuja's paragraph [0090] as allegedly disclosing that *for each payment transaction processed by the real-time process,* **available credit relative to a corresponding account is adjusted** *in real-time based on information included in such payment transaction,* explaining only that the cited paragraph "reads on crediting and debiting." (Office Action p. 4) However, as is explained above, Ahuja's system is not in a position to adjust the credit of any account issued by a payee. Only the account issuer can adjust the available credit, and Ahuja's system is not an account issuer.

The Office Action cites Ahuja's paragraph [0044] as allegedly disclosing *that for a payment transaction that is a payment to be credited against a corresponding account,* **the available credit to the corresponding account is increased** *by at least a portion of the amount of the payment received.* (Office Action p. 4). However, Ahuja's system cannot increase any available credit.

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Claim 1 further recites that each payment transaction is received *in one of at least two submission formats*, and also recites *control logic configured to determine, for each of the payment transactions, based on the submission format of the respective transaction, whether the payment transaction is to be processed on a batch basis or on a real-time basis.* In support of the rejection, the Office Action cites Ahuja's paragraph [0090] as allegedly disclosing receiving payment transactions *in one of at least two submission formats*, noting that the cited paragraph describes receiving "bill paying requests ... over cellular telephone communication channels...." (Office Action p. 3). As has been previously explained, a "bill paying request" is not a *payment transaction*. Applicants also respectfully note that channel over which the request is received is not the same as a *format*, and that the Office Action has pointed out only a single channel. Since the next step of the claim recites choosing one of two options based on which of two formats a transaction is received in, it should be apparent that *in one of at least two submission formats* means that at least two formats are defined and available.

Ahuja does not teach or suggest several claim elements for which it is relied upon by the Office Action. The other cited references do not cure this deficiency. For example, Walker describes an insurance system for "protecting individual consumers against unpredictable fluctuations of foreign exchange rates." (Walker col. 1 ll. 49-51). Walker also describes only purchase transactions, and not payment transactions. The end result of the operation of Walker's method with respect to a credit card account is a credit on the monthly statement of the user, which necessarily happens before any *payment transaction* relating to the statement. (Walker col. 10 ll. 10-12).

Muehlberger describes a system for delegating part of the approval process for credit card purchase transactions to a vending machine, which can then forward the purchase transaction data to a clearing facility in a batch mode or in real time. Muelhberger also does not deal with receiving *payment transactions*.

Because the cited references, even in combination, do not teach or suggest all of the limitations of claim 1, claim 1 is believed allowable over Ahuja, Walker, and Muehlberger. Claims 1-4, 13, and 14 depend from claim 1 and add further limitations, and are believed allowable at least by virtue of their dependence from an allowable base claim.

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II. Claims 33-36, 44, and 45

Claim 33 is a method claim reciting steps analogous to the functions that the elements of claim 1 are configured to perform. For example, claim 33 recites in part *receiving a plurality of payment transactions from a client ... determining, for each of the plurality of payment transactions ... whether the payment transaction is to be processed on a batch basis or on a real-time basis; ... and for each payment transaction processed by the real-time process, adjusting available credit relative to a corresponding account in real-time based on information included in such payment transaction.*

Claim 33 also recites that each payment transaction is received *in one of at least two submission formats*, and that the determination of whether to process the transaction on a batch or real-time basis is made *based at least in part on the submission format of the respective transaction.* Claim 33 also further specifies that *for a payment transaction that is a payment to be credited against a corresponding account, the available credit to the corresponding account is increased by at least a portion of the amount of the payment received.*

Claim 33 is believed allowable over Ahuja, Walker, and Muehlberger for reasons similar to those given above with respect to claim 1. Claims 34-36, 44, and 45 depend from claim 33 and add further limitations, and are believed allowable at least by virtue of their dependence from allowable base claims.

In addition, at least some of the dependent claims recite elements not found in Ahuja, Walker, or Muehlberger, and are believed allowable for additional reasons. Merely by way of non-limiting example, claim 4 recites that

> *for each transaction payment processed by the real-time process, if such payment transaction represents a payment to be credited against the corresponding account, a payment amount identified in such payment transaction is applied in whole or in part to the available credit relative to the corresponding account in real-time in accordance with evaluation results derived from evaluating one or more attributes relating to the corresponding account.*

Claim 36 includes a similar element. As is explained in Applicants' specification, attributes that may be checked include such things as whether the account has a history of bounced check payments. If so, then updating the available credit after a payment received by

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check may be delayed until the check clears. (Specification p. 6 ll. 7-15). In support of the rejection, the Office Action cites Ahuja's paragraph [0044] as allegedly disclosing this element, but offers no explanation of the rejection. (Office Action pp. 7-8). In fact, neither paragraph [0044] nor any other part of Ahuja discloses this element.

B. Whether the claims 5-7 and 37-39 are unpatentable over the cited portions of Ahuja in view of the cited portions of Walker as applied to claim 3 above, and further in view of the cited portions of Couch.

Claims 5-7 depend from claim 1 and add further limitations. Claims 37-39 depend from claim 33 and add further limitations. As is explained above, claims 1 and 33 are believed allowable over Ahuja, Walker, and Muehlberger at least because those references, even in combination, do not teach or suggest all of the elements of claims 1 and 33. Couch does not cure the deficiencies of Ahuja, Walker, and Muehlberger, and claims 5-7 and 37-39 are believed allowable for at least this reason, as well as for any novel features they recite.

C. Whether claims 8-10, 12, and 40-42 are unpatentable over the cited portions of Ahuja in view of the cited portions of Walker as applied to claim 1 above, and further in view of the cited portions of Alvin.

Claims 8-10 and 12 depend from claim 1 and add further limitations. Claims 40-42 depend from claim 33 and add further limitations. As is explained above, claims 1 and 33 are believed allowable over Ahuja, Walker, and Muehlberger at least because those references, even in combination, do not teach or suggest all of the elements of claims 1 and 33. Alvin does not cure the deficiencies of Ahuja, Walker, and Muehlberger, and claims 8-10, 12, and 40-42 are believed allowable for at least this reason, as well as for any novel features they recite.
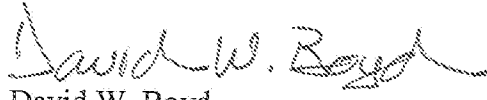
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D. Whether claims 11 and 43 are unpatentable over the cited portions of Ahuja in view of the cited portions of Walker as applied to claim 1 above, and further in view of the cited portions of Campbell.

Claim 11 depends from claim 1 and adds further limitations. Claim 43 depends from claim 33 and adds further limitations. As is explained above, claims 1 and 33 are believed allowable over Ahuja, Walker, and Muehlberger at least because those references, even in combination, do not teach or suggest all of the elements of claims 1 and 33. Campbell does not cure the deficiencies of Ahuja, Walker, and Muehlberger, and claims 11 and 43 are believed allowable for at least this reason, as well as for any novel features they recite.

8. CONCLUSION

For these reasons, it is respectfully submitted that the rejection should be reversed.

Respectfully submitted,

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9. CLAIMS APPENDIX

1.   A system for processing account payments, comprising:

control logic configured to receive one or more payment transactions from a client, each payment transaction being received in one of at least two submission formats;

control logic configured to determine, for each of the payment transactions, based at least in part on the submission format of the respective transaction, whether the payment transaction is to be processed on a batch basis or on a real-time basis;

control logic configured to invoke a real-time process to process payment transactions that are determined to be processed on a real-time basis, the real-time process being invoked upon submission of the payment transactions that are determined to be processed on the real-time basis; and

control logic configured to invoke a batch process to process payment transactions that are determined to be processed on a batch basis, the batch process being invoked at a designated time in a processing cycle without regard to timing of submission of the payment transactions that are determined to be processed on the batch basis;

wherein for each payment transaction processed by the real-time process, available credit relative to a corresponding account is adjusted in real-time based on information included in such payment transaction;

and wherein a payment transaction represents either a payment to be credited against a corresponding account or a reversal to be performed against the corresponding account to retract a previously made payment;

and wherein for a payment transaction that is a payment to be credited against a corresponding account, the available credit to the corresponding account is increased by at least a portion of the amount of the payment received.

2.   The system according to claim 1 wherein upon adjusting the available credit relative to the corresponding account in real-time, the available credit is immediately accessible to an account holder of the corresponding account.

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3.   The system according to claim 1 wherein a payment transaction represents a payment received from an account holder toward an amount owed on a credit account.

4.   The system according to claim 3 wherein for each transaction payment processed by the real-time process, if such payment transaction represents a payment to be credited against the corresponding account, a payment amount identified in such payment transaction is applied in whole or in part to the available credit relative to the corresponding account in real-time in accordance with evaluation results derived from evaluating one or more attributes relating to the corresponding account.

5.   The system according to claim 3 wherein for each payment transaction processed by the real-time process, delinquency status relative to the corresponding account is updated in real-time based on information included in such payment transaction.

6.   The system according to claim 5 wherein for each payment transaction processed by the real-time process, if such payment transaction represents a reversal to be performed against the corresponding account to retract the previously made payment, the delinquency status is restored to its value prior to the previously made payment.

7.   The system according to claim 5 wherein for each payment transaction processed by the real-time process, if such payment transaction represents a payment to be credited against the corresponding account and a payment amount identified in such payment transaction exceeds or equals to a delinquent amount relative to the corresponding account, the delinquency status is updated to non-delinquent in real-time.

8.   The system according to claim 1 further comprising:

control logic configured to update in real-time one or more fraud attributes relating to the corresponding account for each payment transaction processed by the real-time process based on information included in the payment transaction.

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9.   The system according to claim 8 wherein the one or more fraud attributes are forwarded to a fraud prevention system to allow more timely monitoring of potential fraudulent activities concerning the corresponding account.

10.   The system according to claim 1 further comprising:

control logic configured to forward information relating to each payment transaction processed by the real-time process including the available credit relative to the corresponding account to customer service.

11.   The system according to claim 1 further comprising:

control logic configured to forward information relating to each payment transaction processed by the real-time process including the available credit relative to the corresponding account to collections.

12.   The system according to claim 1 further comprising:

control logic configured to inform the client about status of the payment transactions processed by the real-time process.

13.   The system according to claim 1 wherein the corresponding account is a credit card account.

14.   The system according to claim 1 wherein the system is implemented in software, hardware or a combination of both.

33.   A method for processing account payments, comprising:

receiving a plurality of payment transactions from a client, each payment transaction being received in one of at least two submission formats;

determining, for each of the plurality of payment transactions, based at least in part on the submission format of the respective payment transaction, whether the payment transaction is to be processed on a batch basis or on a real-time basis;

upon submission of payment transactions that are determined to be processed on a real-time basis, invoking a real-time process to process such payment transactions;

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invoking a batch process at a designated time in a processing cycle to process payment transactions that are determined to be processed on a batch basis; and

for each payment transaction processed by the real-time process, adjusting available credit relative to a corresponding account in real-time based on information included in such payment transaction;

wherein a payment transaction represents either a payment to be credited against a corresponding account or a reversal to be performed against the corresponding account to retract a previously made payment;

and wherein for a payment transaction that is a payment to be credited against a corresponding account, the available credit to the corresponding account is increased by at least a portion of the amount of the payment received.

34. The method of claim 33 further comprising:

upon adjusting the available credit relative to the corresponding account in real-time, rendering the available credit to be immediately accessible to an account holder of the corresponding account.

35. The method of claim 33 wherein a payment transaction represents a payment received from an account holder toward an amount owed on a credit account.

36. The method of claim 35 further comprising:

for each payment transaction processed by the real-time process, if such payment transaction represents a payment to be credited against the corresponding account, applying a payment amount identified in such payment transaction in whole or in part to the available credit relative to the corresponding account in real-time in accordance with evaluation results derived from evaluating one or more attributes relating to the corresponding account.

37. The method of claim 35 further comprising:

for each payment transaction processed by the real-time process, updating a delinquency status relative to the corresponding account in real-time based on information included in such payment transaction.

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38.   The method of claim 37 further comprising:

for each payment transaction processed by the real-time process, if such payment transaction represents a reversal to be performed against the corresponding account to retract the previously made payment, restoring the delinquency status to its value prior to the previously made payment.

39.   The method of claim 37 further comprising:

for each payment transaction processed by the real-time process, if such payment transaction represents a payment to be credited against the corresponding account and a payment amount identified in such payment transaction exceeds or equals to a delinquent amount relative to the corresponding account, updating the delinquency status to non-delinquent in real-time.

40.   The method of claim 33 further comprising:

updating in real-time one or more fraud attributes relating to the corresponding account for each payment transaction processed by the real-time process based on information included in the payment transaction.

41.   The method of claim 40 further comprising:

forwarding the one or more fraud attributes to a fraud prevention system to allow more timely monitoring of potential fraudulent activities concerning the corresponding account.

42.   The method of claim 33 further comprising:

forwarding information relating to each payment transaction processed by the real-time process including the available credit relative to the corresponding account to customer service.

43.   The method of claim 33 further comprising:

forwarding information relating to each payment transaction processed by the real-time process including the available credit relative to the corresponding account to collections.

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44.   The method of claim 33 wherein the corresponding account is a credit card account.

45.   The method of claim 33 wherein the method is implemented in software, hardware or a combination of both.

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10. EVIDENCE APPENDIX

None.

11. RELATED PROCEEDINGS APPENDIX

None.